

CHAPTER 222

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 20-206

BY SENATOR(S) Todd and Cooke, Donovan, Moreno, Scott;
also REPRESENTATIVE(S) Landgraf and Singer, Bird, Buckner, Buentello, Caraveo, Cutter, Duran, Esgar, Exum,
Gonzales-Gutierrez, Gray, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, McCluskie, McLachlan, Michaelson Jenet,
Mullica, Snyder, Tipper, Titone, Valdez D., Woodrow, Young, Becker.

AN ACT

CONCERNING THE CLARIFICATION OF DISQUALIFYING A RECIPIENT FROM PARTICIPATING IN A PUBLIC ASSISTANCE PROGRAM WHEN THE RECIPIENT IS FOUND TO HAVE COMMITTED AN INTENTIONAL VIOLATION OF THE PROGRAM.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 26-1-127, **amend** (1) and (1.5) as follows:

26-1-127. Fraudulent acts. (1) Any person who obtains or any person who willfully aids or abets another to obtain public assistance or vendor payments or medical assistance as defined in this ~~title~~ TITLE 26 to which the person is not entitled or in an amount greater than that to which the person is justly entitled or payment of any forfeited installment grants or benefits to which the person is not entitled or in a greater amount than that to which the person is entitled, by means of a willfully false statement or representation, or by impersonation, or by any other fraudulent device, commits the crime of theft, which crime ~~shall be~~ IS classified in accordance with section 18-4-401 (2) ~~C.R.S.~~, and which crime ~~shall be~~ IS punished as provided in section 18-1.3-401 ~~C.R.S.~~, if the crime is classified as a felony, or section 18-1.3-501 ~~C.R.S.~~, if the crime is classified as a misdemeanor. To the extent not otherwise prohibited by state or federal law, any person violating the provisions of this subsection (1) is disqualified from participation in ~~any~~ THE public assistance program under article 2 of this ~~title~~ TITLE 26 IN WHICH A RECIPIENT IS FOUND TO HAVE COMMITTED AN INTENTIONAL PROGRAM VIOLATION for one year for a first offense, two years for a second offense, and permanently for a third or subsequent offense. Such disqualification is mandatory and is in addition to any other penalty imposed by law.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(1.5) To the extent not otherwise prohibited by state or federal law, any person against whom a county department of social services or the state department obtains a civil judgment in a state or federal court of record in this state based on allegations that the person obtained or willfully aided and abetted another to obtain public assistance or vendor payments or medical assistance as defined in this ~~title~~ TITLE 26 to which the person is not entitled or in an amount greater than that to which the person is justly entitled or payment of any forfeited installment grants or benefits to which the person is not entitled or in a greater amount than that to which the person is entitled, by means of a willfully false statement or representation, or by impersonation, or by any other fraudulent device, is disqualified from participation in ~~any~~ THE public assistance program under article 2 of this ~~title~~ TITLE 26 IN WHICH A RECIPIENT IS FOUND TO HAVE COMMITTED AN INTENTIONAL PROGRAM VIOLATION for one year for a first incident, two years for a second incident, and permanently for a third or subsequent incident. Such disqualification is mandatory and is in addition to any other remedy available to a judgment creditor.

SECTION 2. In Colorado Revised Statutes, 26-2-128, **amend** (1) introductory portion as follows:

26-2-128. Recovery from recipient - estate. (1) If, at any time during the continuance of public assistance, the recipient thereof becomes possessed of any property having a value in excess of that amount set pursuant to the provisions of section 26-2-109 and the rules of the state department or receives any increase in income, ~~it shall be the duty of the recipient to~~ SHALL notify the county department of the possession of such property or receipt of such income, and the county department may either terminate the public assistance or alter the amount of assistance payments in accordance with the circumstances and the rules of the state department. To the extent not otherwise prohibited by state or federal law, if the recipient is found to have committed an intentional program violation, the recipient is disqualified from participation in ~~any~~ THE public assistance program under this ~~article~~ ARTICLE 2 IN WHICH A RECIPIENT IS FOUND TO HAVE COMMITTED AN INTENTIONAL PROGRAM VIOLATION for twelve months for the first incident, twenty-four months for a second incident, and permanently for a third or subsequent incident. Such disqualification is mandatory and is in addition to any other penalty imposed by law. Except as provided in subsections (3) and (4) of this section, any previously paid excess public assistance to which the recipient was not entitled ~~shall be~~ is recoverable by the county as a debt due to the state and the county in proportion to the amount of public assistance paid by each respectively; except that any fraudulently obtained public assistance or fraudulently obtained overpayments of public assistance ~~shall be~~ is recoverable and payable in proportionate shares as provided in section 26-1-112 (2)(b), and interest ~~shall be~~ is charged and paid to the county department on any sum fraudulently obtained, calculated at the legal rate and calculated from the date the recipient obtained such sum to the date such sum is recovered. The following remedies apply for the enforcement and collection of a debt for fraudulently obtained public assistance or fraudulently obtained overpayments of public assistance:

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: July 2, 2020